REMARKS

Applicants thank the Examiner for the careful consideration given the present application. Claims 1, 4, 9, 21, 23, 25, 26, 29-34, 36-41, 43, 45-46, and 49 have been amended through this response. Reconsideration and allowance of the application and pending claims are respectfully requested.

I.   Claim Rejections under 35 U.S.C. 102

Claims 1-3, 5, 7-12, 14-17, 20-24, 26-28, 30-37, 39-40, and 43-48 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Bruck et al.* (U.S. Patent No. 6,008,836).

For at least the following reasons, Applicants respectfully traverse this rejection.

Independent Claim 1 and Dependent Claims 2-3, 5, 7-12, 14-17, and 20-24

Claim 1, as amended, recites (emphasis added):

A method for determining the characteristics of a display device coupled to a network client device capable of receiving television (TV) signals, the network client device having video and audio output capabilities, said method comprising the steps of:
driving a display device with a first video output signal formatted according to a first video interface specification;
responsive to driving the display device, soliciting user input based on information included in the first video output signal;
determining a characteristic of the display device based on the user input;
receiving a TV signal at the network client device;
processing the TV signal by network client device according to the determined characteristic; and
transmitting a video output signal according to the first video interface specification and according to at least one parameter of the TV signal to the display device.

Applicants submit that *Bruck* does not disclose, teach, or suggest at least the above emphasized claim features. *Bruck* states in column 2, lines 64–column 3, line 3:

...a picture adjustment screen is displayed on the display device. The picture adjustment screen provides access to control screens which prompt the user to manipulate the picture quality controls on the client display device. The control screens also contain instructions which guide the user through the process of properly adjusting the picture quality controls.

Even assuming, *arguendo*, that *Bruck* discloses determination and adjustment of characteristics of a display device, these characteristics are only adjusted at the display

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itself; they are not used by a network client device to process television signals for output to the display device (see also *Bruck*, column 7, lines 64-67; column 8, lines 42-45; column 9, lines 18-21).

For at least the forgoing reasons, Applicants submit that claim 1 is allowable over the art of record, and respectfully request that the rejection to claim 1 be withdrawn. Because independent claim 1 is allowable over *Bruck*, dependent claims 2-3, 5, 7-12, 14-17, and 20-24 are allowable as a matter of law, for at least the reason that the dependent claims contain all elements of their respective base claim.

Independent Claim 26 and Dependent Claims 27-28, 30-37, 39-40, and 43-48

Claim 26, as amended, recites (emphasis added):

A system for determining the characteristics of a display device, said system comprising:

a memory with display logic; and
a processor configured with the display logic to drive a display device with a first video output signal formatted according to a first video interface specification, wherein the processor is further configured with the display logic to, responsive to driving the display device, solicit user input based on information included in the first video output signal, wherein the processor is further configured with the display logic to determine a characteristic of the display device based on the user input, wherein the processor is further configured with the display logic to drive the display device according to the determined characteristic,
wherein the processor is further configured with the display logic to receive a TV signal, ***process the TV signal according to the determined characteristic***, and transmit a video output signal according to the first video interface specification and according to at least one parameter of the TV signal to the display device.

Applicants submit that *Bruck* does not disclose, teach, or suggest at least the above emphasized claim features. *Bruck* states in column 2, lines 64-column 3, line 3:

...a picture adjustment screen is displayed on the display device. The picture adjustment screen provides access to control screens which prompt the user to manipulate the picture quality controls on the client display device. The control screens also contain instructions which guide the user through the process of properly adjusting the picture quality controls.

Even assuming, *arguendo*, that *Bruck* discloses determination and adjustment of characteristics of a display device, these characteristics are only adjusted at the display itself; they are not used by a network client device to process television signals for output to the display device (see also *Bruck*, column 7, lines 64-67; column 8, lines 42-45; column 9, lines 18-21).

For at least the forgoing reasons, Applicants submit that claim 26 is allowable over the art of record, and respectfully request that the rejection to claim 1 be withdrawn. Because independent claim 26 is allowable over *Bruck*, dependent claims 27-28, 30-37, 39-40, and 43-48 are allowable as a matter of law, for at least the reason that the dependent claims contain all elements of their respective base claim.

Dependent claims 9 and 34

Dependent claim 9 recites, "determining what are optimal signal parameters to sent to the display device." Dependent claim 34 recites, "the processor is configured to determine what are optimal signal parameters to send to the display device." The Office Action alleges on page 6 that these limitations are disclosed in *Bruck*, column 8, lines 9-11 and column 8, lines 54-56. Applicants submit that the rejection has been rendered moot by the above described amendments. The cited portions of *Bruck* merely disclose adjustment of the contrast and brightness settings of the display device. *Bruck* does not disclose, teach, or suggest determining signal parameters to send to the display device. Therefore, for at least these reasons, Applicants submit that claims 9 and 34 are allowable over *Bruck* and request that the rejections of the claims be withdrawn.

II.   Claim Rejections under 35 U.S.C. 103

A.   Rejection of Claims

Claims 4 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Bruck* in view of *Krane* (U.S. Patent No. 5,799,063). Claims 13 and 38 stand rejected under

35 U.S.C. 103(a) as being unpatentable over *Bruck* in view of *Elswick* et al. (U.S. Patent No. 6,791,620). Claims 18, 19, 25, and 41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Bruck* in view of *Rzeszewski et al.* (U.S. Patent No. 5,512,958). Claims 49-52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Bruck* view of *Estrop et al.* (U.S. Patent No. 2001/0193486). Applicants respectfully traverse these rejections.

B. **Discussion of the Rejection**

The U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness according to the factual inquiries expressed in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The four factual inquires, also expressed in MPEP 2100-116, are as follows:

(A) Determining the scope and contents of the prior art;

(B) Ascertaining the differences between the prior art and the claims in issue;

(C) Resolving the level of ordinary skill in the pertinent art; and

(D) Evaluating evidence of secondary considerations.

Applicants respectfully submit that a *prima facie* case of obviousness is not established using the art of record.

Claims 4 and 29

Claims 4 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Bruck* in view of *Krane* (U.S. Patent No. 5,799,063). Applicants submit that dependent claims 4 and 29 are allowable as a matter of law for at least the reason that claim 4 contains all the features and elements of independent claim 1 and that claim 29 contains all the features and elements of independent claim 26, which Applicants believe to be allowable. For at least this reason, Applicants request that the rejection of claims 4 and 29 be withdrawn.

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Claims 13 and 38

Claims 13 and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Bruck* in view of *Elswick* et al. (U.S. Patent No. 6,791,620). Applicants submit that dependent claims 13 and 38 are allowable as a matter of law for at least the reason that claim 13 contains all the features and elements of independent claim 1 and that claim 38 contains all the features and elements of independent claim 26, which Applicants believe to be allowable. For at least this reason, Applicants request that the rejection of claims 13 and 38 be withdrawn.

Claims 18, 19, and 41

Claims 18, 19, and 41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Bruck* in view of *Rzeszewski et al.* (U.S. Patent No. 5,512,958). Applicants submit that dependent claims 18, 19, and 41 are allowable as a matter of law for at least the reason that claims 18 and 19 contain all the features and elements of independent claim 1 and that claim 41 contains all the features and elements of independent claim 26, which Applicants believe to be allowable. For at least this reason, Applicants request that the rejection of claims 18, 19, and 41 be withdrawn.

Independent Claim 25

Claim 25 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Bruck* in view of *Rzeszewski et al.* (U.S. Patent No. 5,512,958). Claim 25, as amended, recites (emphasis added):

A method for determining the characteristics of a display device coupled to a network client device, said method comprising the steps of:
cycling through a plurality of video formats, each part of the cycle including a predetermined time duration;
outputting a video signal including pictures for each part of the cycle, wherein the pictures include at least one of graphics data and video data;
processing the pictures for each video format for output to a display device;
setting parameters of a video output port according to each video format;
soliciting a user response for each video format, wherein the step of soliciting includes the step of presenting at least one of visible instructions and audible instructions to the user;

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determining at least one characteristic of the display device based on the user response, wherein the characteristic includes at least one of type of device, picture size, frame rate, scan format, color format, colorimetry, picture width-to-height aspect ratio, width-to-height aspect ratio of pixels, capability of providing ancillary data, manner of providing the ancillary data; and

driving the display device according to at least one parameter of a received TV signal ***processed by the network client device according to the determined characteristic*** to present images on a display screen.

Applicants submit that *Bruck* does not disclose, teach, or suggest at least the above emphasized claim features. *Bruck* states in column 2, lines 64-column 3, line 3:

…a picture adjustment screen is displayed on the display device. The picture adjustment screen provides access to control screens which prompt the user to manipulate the picture quality controls on the client display device. The control screens also contain instructions which guide the user through the process of properly adjusting the picture quality controls.

Even assuming, *arguendo*, that *Bruck* discloses determination and adjustment of characteristics of a display device, these characteristics are only adjusted at the display itself; they are not used by a network client device to process television signals for output to the display device (see also *Bruck*, column 7, lines 64-67; column 8, lines 42-45; column 9, lines 18-21). *Rzeszewski* does not remedy this deficiency.

For at least the forgoing reasons, Applicants submit that claim 25 is allowable over the art of record, and respectfully request that the rejection to claim 25 be withdrawn.

Claims 49-52

Claims 49-52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Bruck* view of *Estrop et al.* (U.S. Patent No. 2001/0193486). For at least the following reasons, Applicants respectfully traverse this rejection. Claim 49, as amended, recites (emphasis added):

A system for determining a preferred display performance between the de-interlacing ability of a display device coupled to a network client device and the de-interlacing ability of network client device, said system comprising:

a memory with display logic; and

a processor configured with the display logic to present objects on a display screen of a the display device that are altered by the display logic to solicit a response by a user, wherein the processor is further configured with the display logic to, responsive to the user

input, determine the de-interlacing capability of the display device, and ***further determine if the de-interlacing capability of the display device is of higher quality than a de-interlacer of the network client device, and in response a determination that the de-interlacing capability of the display device is of higher quality, de-interlace an incoming TV signal at the display device, bypassing the de-interlacer of the network client device***.

Neither *Bruck* nor *Estrop* disclose, teach or suggest at least the above-emphasized claim feature. *Bruck* makes no mention of de-interlacing. While *Estrop* does disclose a processor querying a graphics device driver to ascertain its de-interlacing capabilities in paragraph 16, *Estrop* does not disclose, teach, or suggest determining the relative quality of a display's de-interlacer and bypassing a network client device de-interlacer if the display's de-interlacer is of higher quality than that of the network client device.

For at least the forgoing reasons, Applicants submit that claim 49 is allowable over the art of record, and respectfully request that the rejection to claim 49 be withdrawn. Because independent claim 26 is allowable over *Bruck* in view of *Estrop*, dependent claims 50-52 are allowable as a matter of law, for at least the reason that the dependent claims contain all elements of their respective base claim.

CONCLUSION

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby respectfully requested. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all finding of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all finding of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney at (770) 933-9500 to expedite prosecution of the present application.

Respectfully submitted,

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